



12-01-06

Page 1 of 2

IFW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/797,346	03/10/2004	Niu Dong	0109.03

CONFIRMATION NO. 4296

25278
USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER
PATENT ADVISORS OFFICE
WESTERN REGIONAL RESEARCH CENTER
800 BUCHANAN ST
ALBANY, CA 94710

FORMALITIES
LETTER

Date Mailed: 10/05/2006

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application**. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents

P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

J. Slem

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/797,346
		Filing Date	March 10, 2004
		First Named Inventor	Niu Dong et al.
		Art Unit	1638
		Examiner Name	C.K. Worley
Total Number of Pages in This Submission	10	Attorney Docket Number	0109.03

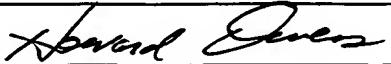
ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequences and/or Amino Acid Sequence Disclosures See remarks below for papers	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund		
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> CD, Number of CD(s) 2		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application			
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			
<p>Remarks</p> <p>Attached: 1. Notice to Comply with requirements for patent applications containing Nucleotide Sequence and/or amino acid sequence disclosures 2. Computer readable form of sequence listing (2 diskettes) 3. Paper copy of sequence listing 4. Amendment 5. Statement of Sequence correspondence 6. Itemized post card receipt</p>			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Howard V. Owens
Signature	
Date	November 30, 2006

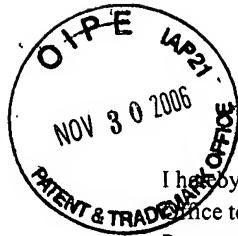
CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 Express Mail No. EO 927 401 815 US

Typed or printed name	Howard V. Owens
Signature	
Date	November 30, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Express Mail No. EO 927 401 815 US
Date of Deposit: November 30, 2006

Howard V. Owens

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Niu Dong *et al.*

Application No.: 10/797,346

Filed: 03/10/2004

For: Transformation Methods for Guayule
Using *Agrobacterium* and Reduced Light
to Slow Metabolism and Enhance
Recovery

USDA Docket No: 0109.03

Customer No.: 25278

Confirmation No. 4296

Examiner: C.K. Worley

Technology Center/Art Unit: 1638

**NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE
DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Notice of the U.S. Patent and Trademark Office dated October 5, 2006, to file a Sequence Listing which complies with the requirements of 37 C.F.R. 1.821-1.825.

Enclosed herewith are:

1. Computer readable form (CRF) copy of the Sequence Listing; and
2. A paper copy of the Sequence Listing; and
3. An amendment directing entry of the Sequence Listing into the application; and
4. A statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing; and
5. Return copy of Notice to Comply.

REMARKS

The Notice to Comply states that the subject application fails to comply with the requirements of 37 C.F.R. 1.821-1.825. To bring the application into compliance, applicants enclose herewith a computer readable form (CRF) copy of the Sequence Listing, a paper copy of the Sequence Listing, an amendment directing entry of the Sequence Listing into the application; and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter.

CONCLUSION

If the Office of Initial Patent Examination has any questions, please telephone the undersigned at 510-559-5731.

Respectfully submitted,



Howard V. Owens
Reg. No. 58,219

USDA, ARS, OTT
800 Buchanan Street
Albany, California 94710
Tel: 510-559-5731 or 6067
Fax: 510-559-5736